

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN THE MATTER OF CRIMINAL
COMPLAINTS AND SEARCH
WARRANTS

CASE NO: SKG-13-1298 TO 13-1304

GOVERNMENT'S MOTION TO SEAL

Comes now the United States of America, by and through its Attorneys, Rod J. Rosenstein, United States Attorney for the District of Maryland and Peter M. Nothstein, Assistant United States Attorney for said District, and hereby moves this Honorable Court for an Order sealing the above-referenced tracking warrant, and in support thereof states:

1. On May 28, 2013, United States Magistrate Susan K. Gauvey signed criminal complaints for Ashley Roane and Erica Hughes and search and seizure warrants for 1) 3924 Squire Tuck Way, Pikesville, Maryland, 21208; 2) Roane's BPD-issued locker located at the Baltimore Police Southwest District Headquarters, 424 Font Hill Avenue, Baltimore, Maryland 21223; 3) 2009 Honda 2 door bearing Maryland registration 88225CC; 4) Cellular telephone with call number (443) 562-1992; and 5) Cellular telephone with call number (443) 846-2006, as part of an ongoing and covert investigation into identity theft and corruption. The affidavit submitted in support of the above-referenced search warrants contain information regarding an ongoing investigation relative to alleged violations of 18 U.S.C. § 201 (bribery); 18 U.S.C. § 1028A (identity theft); 18 U.S.C. § 1951 (extortion); 18 U.S.C. § 1349 (conspiracy to commit wire fraud); 18 U.S.C. § 1344 (bank fraud); 18 U.S.C. § 924(c) (possession of firearm I furtherance of drug trafficking) and 21 U.S.C. § 846 (attempt to distribute controlled substances). The targets are unaware of the federal investigation.

2. The agents involved in the investigation initially planned to execute the warrants on May 28, 2013, but unforeseen circumstances may necessitate delayed execution. The affidavit sets forth some significant information concerning the investigation, including enough information about a confidential source to strongly suggest his/her identity, as well as the allegation that one of the targets is a Baltimore Police Officer. Therefore, disclosure of the affidavit is tantamount to disclosure of the confidential source's identity. Due to the confidential nature of the investigation, disclosure of the warrant and affidavit would seriously jeopardize this investigation. In addition, because the affidavit focuses heavily on information provided by the confidential source, no less restrictive means, such as redaction, is available. At the time of the execution, the government intends to seek to unseal the complaints and search warrants.

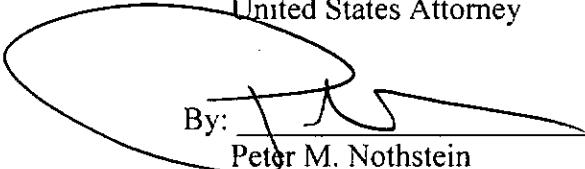
3. To seal an affidavit for a search warrant, the government must demonstrate that: (1) there is a compelling government interest requiring materials to be kept under seal and (2) there is no less restrictive means, such as redaction, available. *In re Search Warrants Issued on April 26, 2004*, 353 F. Supp. 2d 584 (D. Md. 2004).

4. The procedures for sealing are set forth in *Baltimore Sun Co. v. Goetz*, 886 F.2d 60 (4th Cir. 1989). "The judicial officer may explicitly adopt the facts that the government presents to justify the sealing." *Id.* at 65. This motion and the Court's reasons for sealing should also be sealed. *Id.* Notice of the sealing is required, but the notice requirement is satisfied by the docketing of the order sealing the documents. *Id.*

WHEREFORE, the government respectfully requests that the above captioned criminal complaints and search warrants and all documents submitted in support of the applications, along with this motion and the Court's reasons for sealing, be placed under seal until further order of the Court.

Respectfully submitted,

Rod J. Rosenstein
United States Attorney

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ORDER

Upon review of the Motion of the United States of America, this Court accepts the proffer of facts and statement of reasons to justify the sealing as requested.

THEREFORE, it is ORDERED that the above-captioned criminal complaints, ~~search warrants and all documents submitted in support of the applications in this matter, along with the motion, shall be SEALED until further order of this court.~~ *The defendants are arrested*

It is further ORDERED that the Clerk of the Court provide a copy of this Order to the United States Attorney's Office.

5/31/13
Date


The Honorable Susan K. Gauvey
United States Magistrate Judge